

Date: Wed, 18 Aug 93 04:30:11 PDT  
From: Ham-Policy Mailing List and Newsgroup <ham-policy@ucsd.edu>  
Errors-To: Ham-Policy-Errors@UCSD.Edu  
Reply-To: Ham-Policy@UCSD.Edu  
Precedence: Bulk  
Subject: Ham-Policy Digest V93 #298  
To: Ham-Policy

Ham-Policy Digest                      Wed, 18 Aug 93                      Volume 93 : Issue    298

Today's Topics:

                    Don't order those pizzas yet! (3 msgs)

Send Replies or notes for publication to: <Ham-Policy@UCSD.Edu>  
Send subscription requests to: <Ham-Policy-REQUEST@UCSD.Edu>  
Problems you can't solve otherwise to brian@ucsd.edu.

Archives of past issues of the Ham-Policy Digest are available  
(by FTP only) from UCSD.Edu in directory "mailarchives/ham-policy".

We trust that readers are intelligent enough to realize that all text  
herein consists of personal comments and does not represent the official  
policies or positions of any party. Your mileage may vary. So there.  
-----

Date: 17 Aug 1993 20:16:50 GMT  
From: swrinde!gatech!howland.reston.ans.net!noc.near.net!news.bbn.com!bbn.com!  
levin@network.ucsd.edu  
Subject: Don't order those pizzas yet!  
To: ham-policy@ucsd.edu

Note the following from a fresh ARRL bulletin:

ZCZC AG31  
QST de W1AW  
ARRL Bulletin 89 ARLB089  
>From ARRL Headquarters  
Newington CT August 18, 1993  
To all radio amateurs

SB QST ARL ARLB089  
ARRLB089 Part 97.113 change

Effective date for new 97.113 rules

September 12, 1993 is the effective date for new rules in Section  
97.113 concerning prohibited transmissions. This is action taken

on PR Docket 92-136, the Report and Order adopted by the FCC on July 15, 1993. See September QST for details.

NNNN

/EX

Don't be in too big a hurry to order your pizzas via autopatch!  
(Followups directed to .policy)

/JBL KD10N

=

Nets: levin@bbn.com |

pots: (617)873-3463 |

KD10N (@KB4N.NH.USA) |

"I gotta go."

-- I. Shoales

-----  
Date: Wed, 18 Aug 1993 00:24:06 GMT

From: news.cerf.net!pagesat!spssig.spss.com!feenix.metronet.com!

marchbg@network.ucsd.edu

Subject: Don't order those pizzas yet!

To: ham-policy@ucsd.edu

In article <m72f5iINNreb@news.bbn.com> levin@bbn.com (Joel B Levin) writes:

>Note the following from a fresh ARRL bulletin:

> Effective date for new 97.113 rules

> September 12, 1993 is the effective date for new rules in Section

DARN! WHAT DO I DO WITH ALL THESE ANCHOVIES??????

--

Marc B. Grant, N5MEI | marchbg@feenix.metronet.com | 214/231-3998 (voice)

P.O Box 850472 | marchbg@esy.com | 214/231-0025 (fax)

Richardson, TX 75085 |

-----  
Date: Wed, 18 Aug 1993 03:52:13 GMT

From: usc!howland.reston.ans.net!vixen.cso.uiuc.edu!moe.ksu.ksu.edu!

hobbes.physics.uiowa.edu!news.uiowa.edu!icaen!drenze@network.ucsd.edu

Subject: Don't order those pizzas yet!

To: ham-policy@ucsd.edu

marchbg@feenix.metronet.com (Marc Grant) writes:

>In article <m72f5iINNreb@news.bbn.com> levin@bbn.com (Joel B Levin) writes:

>>Note the following from a fresh ARRL bulletin:

>> Effective date for new 97.113 rules

>> September 12, 1993 is the effective date for new rules in Section

I haven't been following this discussion (I \*just\* got into ham radio and only found out about this group today). Would somebody please mail me a copy of these new rules, if available, or tell me where I might find them?

TNX

--

--	/	Douglas J Renze		Charter Member, Popular Front
\'o.o\'		+1 319 337 4664		for Revolutionary Darwinism:
=(___)=		drenze@isca.uiowa.edu		
U		Douglas-Renze@uiowa.edu		Evolution Now!

-----

Date: 17 Aug 93 19:53:29 GMT  
From: walter!porthos!dancer!whs70@RUTGERS.EDU  
To: ham-policy@ucsd.edu

References <1993Aug12.153325.23719@ke4zv.uucp>, <30722@ksr.com>,  
<24r3if\$4li@news.delphi.com>  
Subject : Re: Bootlegger At ARRL N.E. Convention

In article <24r3if\$4li@news.delphi.com> gregl@news.delphi.com (Greg Law) writes:  
>jfw@ksr.com (John F. Woods) writes:

>

>>gary@ke4zv.uucp (Gary Coffman) writes:

>>>In article <jfhCBMC0B.L9L@netcom.com> jfh@netcom.com (Jack Hamilton) writes:

>>>>collinst@esvx19.es.dupont.com wrote:

>>>>>You wanted bet your license that if the FCC sees you with a transmitter

>>>>>on your belt, asks to see your license and you refuse that they wouldn't

>>>>>suspend your license?

>>>>How would they know which license to suspend?

>>>The FCC has statutory authority to inspect any station for any reason

>>>at any reasonable hour.

>

>>And to directly answer Jack's actual question, though not definitively,  
>>they would probably find out when your lawyer let them know as part of  
>>the plea bargaining arrangement. If you refuse to show your license, they  
>>probably have "probable cause" to arrest you on the spot for unlicensed  
>>operation (remember, "probable cause" doesn't even have to come close to  
>>certainty). Childish games are rarely of much value when dealing with  
>>law enforcement personnel.

>

>If you really want the definitive answer, purchase a copy of Part 97  
>Rules and Regulations and READ IT. It states, in plain English, that  
>the operating station and operator/station license is subject to inspection  
>by the FCC. . . no reason is needed nor required. Any licensee refusing

>an inspection is subject to revocation of the license and/or fines.  
> -- Greg KE4DPX

The "definitive" answer doesn't cover an unlicensed individual however. Remember...ownership/possession of ham equipment is not illegal. The original thread of this discussion had to do with a person belived to be unlicensed who had an HT (and may actually have used it, although no posting I've seen offered any conclusive evidence of that).

So, continuing, it isn't clear to me (other than because part 97 currently states it) that a ham with an HT should be subject to anymore interogation or license inquiry than a non-ham with an HT. That is even more at issue these days since the FCC no longer issues station licenses and thus, there no longer is any clearly defined (by location) amateur station license on FCC record.

Now it certainly seems possible that I might be out somewhere with my HT and "listening," but not transmitting with an HT. Under that scenario I don't need to have my license with me as I see it. Why should I? Therefore, unless the FCC had definitive proof that I transmitted on the HT AND then inquired as to my license, I can't see what I'd be in violation of.

Standard Disclaimer- Any opinions, etc. are mine and NOT my employer's.

-----  
Bill Sohl (K2UNK) BELLCORE (Bell Communications Research, Inc.)  
Morristown, NJ                      email via UUCP              bcr!cc!whs70  
201-829-2879 Weekdays              email via Internet      whs70@cc.bellcore.com

-----  
End of Ham-Policy Digest V93 #298

\*\*\*\*\*